

## REMARKS

### Claim Rejections – 35 USC § 103

Claim 1 has been amended to recite the steps of “assessing the service type of data to be sent over said path” and “producing provisioning information, taking into account said service type and amount of available bandwidth”. Applicants submit that nowhere does Doshi suggest “assessing the service type of data to be sent over said path” and altering the provisioning of the network according to the service type of the data and the available bandwidth. This is because Doshi is not in any way concerned with DiffServ networks.

Rather, Doshi only discloses that “remaining bandwidth capacity over network elements is made available to delay insensitive packet transport only after the provisioning of bandwidth for delay sensitive voice frames or IP packets” (lines 44 to 47) or that “a provisioned minimum bandwidth capacity over each IP network path may be reserved for delay insensitive traffic, with the remaining bandwidth allocated for use by delay sensitive traffic”(Column 4 lines 49 to 52).

The present invention by assessing the service type of data to be sent over said path and producing provisioning information taking into account the service type of the data and the amount of available bandwidth on the path allows far more flexibility in provisioning the path according to the needs of the data. In Doshi all that happens is that a minimum bandwidth is reserved for delay sensitive or insensitive traffic depending on the model whereas in the present invention any extra requirements specified, for example in a virtual leased line contract can be taken into account.

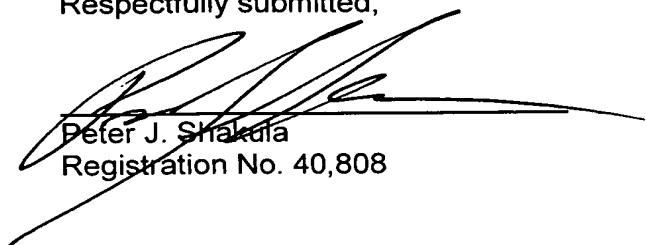
For these reasons Applicants submit that Claim 1 is would not be obvious to one skilled in the art in view of Doshi.

Claims 17 and 26 also claim “assessing the service type of data to be sent over said path” and the “provisioning information, [is produced] taking into account said service type and amount of available bandwidth”. Hence, Applicants submit that Claims 17 and 26 are also non obvious in view of Doshi.

Finally, Applicants submit that Claims 2 to 16, 18 to 15 and 27 are non-obvious by virtue of their dependencies.

In view of the amendments, Applicants believe the Application is in condition for allowance.

Respectfully submitted,



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